IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4851 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

KISHORSINH B. GOHIL

Appearance:

MR KV GADHIA for Petitioner

MR GK RATHOD for Respondent No. 1

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 25/04/2000

ORAL JUDGEMENT :

The present petition is filed by the petitioner corporation being aggrieved by the award passed by the Industrial Tribunal in Approval Application No.221/97 in Reference (IT) No.64/96 dated 24.11.1998. This court issued notice in this matter on 6.12.199 and rule came to

be issued on 29.3.2000. today when the matter is taken up for hearing it is pointed out by both the parties that the award passed by the Industrial Tribunal is required to be quashed and set aside on the ground that the order of dismissal passed against the respondent workman on 31.5.1997 came to be modified by the appellate authority by an order dated 18.8.1998. It is submitted that the appellate authority substituted the penalty of dismissal by a penalty of stoppage of five increments with future effect. However, for some unavoidable reasons, said fact could not be brought to the notice of the Industrial Tribunal, which was dealing with the Approval Application No.226/97 by either of the parties.

2. In the facts and circumstances of the case it is deemed fit that the award passed by the Industrial Tribunal in Approval application No.226/97 in reference (IT) No.64/96 is quashed and set aside on the aforeaid ground only. The same is quashed and set aside and it will now be open to the respondent workman to have recourse to the remedy against the order which is passed by the appellate authority available to him, if any. The petition stands disposed of. Rule stands discharged with no order as to costs.

(Ravi R. Tripathi, J.)

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